

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Charles Washington

(b) County of Residence of First Listed Plaintiff Philadelphia, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Timothy Creech, Esq. of Creech & Creech LLC  
1835 Market St., Ste. 2626, Phila., PA 19103

## DEFENDANTS

Morrison Management Specialists, Inc.

County of Residence of First Listed Defendant Georgia  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED

Attorneys (If Known)

Rachel Fendell Satinsky, Esq. of Littler Mendelson PC  
3 Parkway, 1601 Cherry St., Ste. 1400, Phila., PA 19102

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                                   |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1441 and 1332

Brief description of cause:  
Alleged improper actions in the workplace.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

January \_\_, 2021

/s/ Rachel Fendell Satinsky

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

## FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Philadelphia, PA

Address of Defendant: Atlanta, Georgia

Place of Accident, Incident or Transaction: Philadelphia, PA

## RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: Rachel Fendell Satinsky  
Must sign here  
Attorney-at-Law / Pro Se Plaintiff 308751  
Attorney I.D. # (if applicable)CIVIL: (Place a ☒ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases  
(Please specify) \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☒ 9. All other Diversity Cases  
(Please specify) Employment

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Rachel Fendell Satinsky, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.DATE: Rachel Fendell Satinsky  
Sign here if applicable  
Attorney-at-Law / Pro Se Plaintiff 308751  
Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES WASHINGTON  
6399 P.O. Box  
Philadelphia, Pennsylvania 19139,

Plaintiff,

v.

MORRISON HEALTHCARE, INC.  
400 Northridge Road, Suite 600  
Atlanta, Georgia 30350,

Defendant.

Case No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant Morrison Management Specialists, Inc. (“Morrison”)<sup>1</sup> hereby files this Notice of Removal of this action to the United States District Court for the Eastern District of Pennsylvania from the Court of Common Pleas, Philadelphia County, Pennsylvania, pursuant to 28 U.S.C. §§ 1441 and 1332, and in support thereof, states as follows:

**I. PROCESS, PLEADINGS, AND ORDERS**

1. Plaintiff Charles Washington (“Plaintiff”) commenced this action on January 20, 2021 by filing a Complaint in the Court of Common Pleas, Philadelphia County, Pennsylvania, captioned *Charles Washington v. Morrison Health Care, Inc.*, docketed at No. 200801757 (the “State Court Action”). A true and correct copy of the Complaint Plaintiff filed is attached hereto at Exhibit A.

2. Plaintiff notified Morrison of the Complaint via email on January 20, 2021.

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<sup>1</sup> Morrison Healthcare, Inc. is an improper defendant. The proper defendant is Morrison Management Specialists, Inc. Morrison Management Specialists, Inc. proceeds as if it was the properly named defendant.

3. The State Court Action purports to state claims of discrimination, harassment, and other workplace related conduct. The State Court Action also seemingly purports to state a claim related to Morrison's alleged improper reliance on Plaintiff's background check

4. Pursuant to 28 U.S.C. § 1446(a), the attached Exhibit A constitutes all process, pleadings, and orders served upon Morrison or filed or received in this action by Morrison.

## **II. VENUE**

5. Pursuant to 28 U.S.C. §§ 118(a), 1441(a), and 1446(a), Morrison may remove the State Court Action only to the United States District Court for the Eastern District of Pennsylvania because Plaintiff filed the State Court Action, and the State Court Action currently is pending, in the Court of Common Pleas of Philadelphia County, Pennsylvania. *See* 28 U.S.C. § 118(a) ("The Eastern District comprises the count[y] of . . . Philadelphia"); 28 U.S.C. § 1441(a) (" . . . any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."); 28 U.S.C. § 1446(a) ("A defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal . . .").

## **III. FEDERAL JURISDICTION**

9. Under 28 U.S.C. § 1332, federal courts have original jurisdiction over actions in which the matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states.

10. For diversity purposes, an individual is a citizen of the state in which they are domiciled with the intent to remain. *See Eckerberg v. Inter-State Studio & Publ'g Co.*, 860 F.3d 1079, 1085 (8th Cir. 2017). To be domiciled in a state, a person must reside there and intend to

remain indefinitely. *See Yeldell v. Tutt*, 913 F.2d 533, 537 (8th Cir. 1990). A person may only have one domicile and may be a citizen of only one state for diversity jurisdiction purposes. *See Williamson v. Osenton*, 232 U.S. 619, 625 (1914).

11. In his Complaint, Washington states that he resides in Philadelphia, Pennsylvania. It further appears from his Complaint that he intends to continue to make Pennsylvania his primary residence for the indefinite future. (Compl., ¶ 3). Therefore, Washington is a citizen of Philadelphia for purposes of 28 U.S.C. § 1332.

12. For purposes of diversity jurisdiction, a corporation is deemed to be a citizen of the state in which it was incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). A corporation's principal place of business is its "nerve center" – the place "where a corporation's officers direct, control, and coordinate the corporation's activities." *Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1192 (2010).

13. Morrison is incorporated in the State of Georgia, and its principal place of business and headquarters are located in Atlanta, Georgia. Accordingly, Morrison is a citizen of Georgia, not Pennsylvania, for diversity purposes. *See* 28 U.S.C. §§ 1332(a)(1), (c)(1).

14. Because the parties are citizens of different states, they are diverse for purposes of diversity jurisdiction. *See* 28 U.S.C. § 1332

15. Pursuant to 28 U.S.C. § 1446(c), Morrison need only establish by a preponderance of evidence that the amount in controversy exceeds the \$75,000 jurisdictional requirement.

16. Where removal is based on diversity of citizenship and the initial pleading seeks a money judgment, but does not demand a specific sum, "the notice of removal may assert the amount in controversy," and a removing defendant need only establish that it is more likely than

not that the amount in controversy exceeds the jurisdictional minimum of \$75,000. *See* 28 U.S.C. § 1446(c)(2)(A).

17. Washington's Complaint seeks damages in excess of \$50,000 for all damages suffered, punitive damages, reasonable attorney's fees and costs, declaratory judgment, equitable relief, plus such other relief as this Court deems just and proper, but does not provide a limit on the amount of damages he is seeking. (Compl. WHEREFORE clause).

18. According to a reasonable reading of the Complaint, the amount in controversy is in excess of \$75,000. *See Angus v. Shiley, Inc.*, 989 F.2d 142, 146 (3d Cir. 1993) (where plaintiff does not set a limit for damages, the court should make a reasonable reading of the value of the claim that plaintiff has asserted and come to an independent valuation of the amount plaintiff has claimed).

19. Thus, for jurisdictional purposes, Morrison may remove this action notwithstanding Washington's failure to state precisely an amount of damages exceeding the requisite amount in controversy. *Id.*

20. Although Morrison denies the validity and merit of Washington's claims and allegations, and denies that he is entitled to any relief, his damages claim – for lost wages and benefits, emotional distress/mental anguish, compensatory relief, reasonable attorney's fees, equitable relief, court costs, with interest as provided by law, and such other and further relief as the Court deems just and equitable – establishes an amount in controversy in excess of the jurisdictional minimum of \$75,000. (Compl., WHEREFORE clause).

21. By reason of the foregoing and pursuant to 28 U.S.C. §§ 1441(b) and (c), Morrison desires and is entitled to have this case removed to the United States District Court for the Eastern District of Pennsylvania.



#### IV. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

21. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)(3), as it is being filed on January 25, 2021, which is within thirty days of Morrison's receipt of the Complaint.

22. In accordance with 28 U.S.C. § 1446(d), Morrison has filed this Notice with this Court, is serving a copy of this Notice upon counsel for Plaintiff, and is filing a copy of this Notice in the Court of Common Pleas of Philadelphia County.

23. Morrison reserves the right to submit further evidence supporting this Notice should Plaintiff move to remand.

**WHEREFORE**, Morrison respectfully requests that this case be removed to the United States District Court for the Eastern District of Pennsylvania, that this Court accept jurisdiction of this action, and that this action be henceforth placed on the docket of the Court for all further proceedings as though this action had been originally instituted and commenced in this Court.

Respectfully submitted,

/s/ Rachel Fendell Satinsky

Rachel Fendell Satinsky, Esquire (308751)

Aaron J. Creuz, Esquire (322992)

LITTLER MENDELSON, P.C.

Three Parkway

1601 Cherry Street, Suite 1400

Philadelphia, PA 19102.1321

267.402.3000 (t)

267.402.3131 (f)

rsatinsky@littler.com

acreuz@littler.com

Dated: January 25, 2021

**CERTIFICATE OF SERVICE**

I, Rachel Fendell Satinsky, hereby certify that on this 25th day of January, 2021, I caused the foregoing Notice of Removal to be served, via email, upon the following:

Timothy Creech, Esq.  
Creech & Creech LLC  
1835 Market Street, Suite 2626  
Philadelphia, PA 19103  
[timothy@creechandcreech.com](mailto:timothy@creechandcreech.com)  
*Attorney for Plaintiff*

/s/ Rachel Fendell Satinsky

Rachel Fendell Satinsky



# EXHIBIT A

<sup>1</sup> Morrison Healthcare, Inc. is an improper defendant. The proper defendant is Morrison Management Specialists, Inc. Morrison Management Specialists, Inc. proceeds as if it was the properly named defendant.

Court for the Eastern District of Pennsylvania. A true and correct copy of the Notice of Removal is attached hereto as Exhibit A.

In accordance with 28 U.S.C. § 1446, this Notice, together with the Notice of Removal filed in the United States District Court for the Eastern District of Pennsylvania, has effected a removal of this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. This Court should proceed no further unless this case is remanded.

Dated: January 25, 2021

Respectfully submitted,

/s/ Rachel Fendell Satinsky

Rachel Fendell Satinsky, Esquire (308751)

Aaron J. Creuz, Esquire (322992)

LITTLER MENDELSON, P.C.

Three Parkway

1601 Cherry Street, Suite 1400

Philadelphia, PA 19102.1321

267.402.3000 (t)

267.402.3131 (f)

rsatinsky@littler.com

acreuz@littler.com

**CERTIFICATE OF SERVICE**

I, Rachel Fendell Satinsky, hereby certify that on this 25th day of January, 2021, I caused the foregoing Notice of Filing of Notice of Removal to be served, via email, upon the following:

Timothy Creech, Esq.  
Creech & Creech LLC  
1835 Market Street, Suite 2626  
Philadelphia, PA 19103  
[timothy@creechandcreech.com](mailto:timothy@creechandcreech.com)  
*Attorneys for Plaintiff*

/s/ Rachel Fendell Satinsky

Rachel Fendell Satinsky

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

CHARLES WASHINGTON :  
v. : August Term 2020, No: 01757  
MORRISON HEALTHCARE INC., :

**CASE MANAGEMENT CONFERENCE MEMORANDUM**

Filing party: Plaintiff, Charles Washington By: Timothy P. Creech, Esq.

Counsel's address and telephone number (IMPORTANT) Creech & Creech LLC;

1835 Market St., Suite 2626, Philadelphia, PA 19103; P:(215) 575-7618

**Part A**

*(to be completed in personal injury cases, including uninsured and underinsured motorist claims)*

1. Date of accident or occurrence: \_\_\_\_\_

2. Date of birth of your client: \_\_\_\_\_ Age on date of occurrence: \_\_\_\_\_

Unknown \_\_\_\_\_ Decline to provide \_\_\_\_\_

*NOTE: Date of birth information is intended for the Court's use only. The information will not be made available to the public.*

3. Most serious injuries sustained: \_\_\_\_\_

\_\_\_\_\_

4. Is there any permanent injury claimed? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, indicate the type of permanent injury: \_\_\_\_\_

\_\_\_\_\_

5. Dates of medical treatment: \_\_\_\_\_

6. Is medical treatment continuing? Yes \_\_\_\_\_ No \_\_\_\_\_

7. Has there been an inpatient hospitalization? Yes \_\_\_\_\_ No \_\_\_\_\_

8. Has there been any surgery? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, indicate the type of surgery: \_\_\_\_\_

*This form shall be presented to the Case Manager and copies served upon any party not served electronically by the Court at the time of the conference. All present must be prepared to discuss its contents.*

9. Approximate medical bills to date: \$ \_\_\_\_\_

10. Approximate medical bills recoverable in this case: \$ \_\_\_\_\_

11. Are there any existing liens (Workers' Compensation, DPW, Medical, etc.)? Yes\_\_\_\_ No\_\_\_\_

If yes, what type and approximate amount? \_\_\_\_\_

12. Time lost from work: \_\_\_\_\_

13. Approximate past lost wages: \_\_\_\_\_

14. Is there a claim for future lost earning capacity? Yes\_\_\_\_ No\_\_\_\_

If yes, approximate future lost earning capacity: \_\_\_\_\_

15. Are there any related cases or claims pending? Yes\_\_\_\_ No\_\_\_\_

If so, list caption(s) and docket number(s) or other appropriate identifier(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Do you anticipate joining additional parties? Yes\_\_\_\_ No\_\_\_\_

17. Set forth a summary of facts giving rise to cause(s) of action: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

18. Set forth a summary of facts in support of applicable defense(s) or any counterclaim: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

19. Defense position as to causation of injuries alleged: \_\_\_\_\_

20. Identify all applicable insurance coverage:

***Defendant***

***Insurance Carrier***

***Coverage Limits***

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

21. Are there issues as to the applicability of the above insurance coverage? Yes\_\_\_\_ No\_\_\_\_

22. Demand: \$ \_\_\_\_\_ Offer: \$ \_\_\_\_\_

**Part B***(to be completed in all cases other than personal injury)*1. Date of contract or transaction: August 19, 2019

2. Date of birth of your client: \_\_\_\_\_ Age on date of transaction: \_\_\_\_\_

Unknown \_\_\_\_\_ Decline to provide X*NOTE: Date of birth information is intended for the Court's use only. The information will not be made available to the public.*

3. Is there a writing? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, is there an allegation that the writing does not contain the entire agreement of the parties?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Is the Uniform Commercial Code applicable to this case? Yes \_\_\_\_\_ No X

5. Set forth a summary of facts giving rise to the cause of action:

This is a "ban the box" and sexual harassment case. Plaintiff disclosed his criminal convictions  
and was hired. Plaintiff's supervisor made sexual advances on Plaintiff, which were rejected.  
In retaliation, the supervisor terminated Plaintiff, ostensibly due to the criminal convictions.

6. Are there any related cases or claims pending? Yes \_\_\_\_\_ No XIf so, list caption(s) and docket number(s) or other appropriate identifier(s): N/a.

7. Specific questions regarding ejectment and other property matters:

(a) How did plaintiff obtain title (Sheriff sale, deed transfer, etc.)? N/a.(b) Date of Sheriff's sale or deed transfer: N/a.(c) Date of deed's recording: N/a.(d) Was a copy of the deed filed with the complaint, if not explain? N/a.(e) Was there ever a lease, if so when? N/a.

8. State the amount of damages claimed by Plaintiff:

(a) Direct \_\_\_\_\_

(b) Consequential \_\_\_\_\_

(c) Other (specify) \_\_\_\_\_

9. Set forth a summary of facts in support of applicable defense(s) or any counterclaim:



10. If there is a counterclaim, state the amount of damages sought:

(a) Direct N/a.

(b) Consequential N/a.

(c) Other (specify) N/a.

11. Identify all applicable insurance coverage:

<i><b>Defendant</b></i>	<i><b>Insurance Carrier</b></i>	<i><b>Coverage Limits</b></i>
<u>Morrison Health Care</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

12. Demand: \$ > 50,000.00 Offer: \$ 0.00

FORM 01-105 rev 11/27/18

By: TIMOTHY P. CREECH, ESQ. (81728)  
1835 Market St., Suite 2626  
Philadelphia, PA 19103-3699  
(215) 575-7618  
[timothy@attorneycreech.com](mailto:timothy@attorneycreech.com)

*Counsel for Plaintiff*

**COURT OF COMMON PLEAS OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

CHARLES WASHINGTON,

Plaintiff,

v.

MORRISON HEALTH CARE, INC.

Defendant.

NO: 200801757

**CERTIFICATE OF SERVICE**

TIMOTHY P. CREECH, ESQ., certifies that he caused a true and correct copy of the Plaintiff's Case Management Conference Memorandum to be sent on this date *via* regular first-class mail to the following:

Morrison Health Care, Inc.  
400 Northridge Rd., Ste: 600  
Atlanta, GA 30350

CREECH & CREECH LLC

  
As/ Timothy P. Creech

TIMOTHY P. CREECH

DATED: January 20, 2021

**From:** [scheduling.notices@courts.phila.gov](mailto:scheduling.notices@courts.phila.gov)  
**To:** [Timothy Creech](#)  
**Subject:** Notice of Court Event  
**Date:** Wednesday, January 13, 2021 6:11:04 PM

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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

TIMOTHY CREECH  
CREECH & CREECH LLC  
1835 MARKET ST., SUITE 2626  
PHILADELPHIA, PA 19103

WASHINGTON VS MORRISON HEALTH CARE, INC.  
200801757

SCHEDULING ORDER

AND NOW, JANUARY 13, 2021, it is hereby Ordered that:

1. A Case Management Order will be issued on January 28, 2021, after 09:00 A.M., subsequent to a review by a civil case manager of the electronic court record, civil docket, and case management memoranda in 613, City Hall, Philadelphia, PA 19107.
2. Counsel for Plaintiff is directed to serve a copy of this Order on any unrepresented party or any attorney entering an appearance subsequent to the issuance of this Order.
3. Attendance by all counsel of record and unrepresented is waived. No Case Management Conference will be held in Room 613 City Hall.
4. Failure to file a Complaint or effectuate service of process prior to the Case Management Order issuance date may result in issuance of a Rule to Show Cause.

5. Five (5) days prior to the Case Management Order issuance date, all parties are required to electronically file with the Court and serve upon all opposing counsel and/or opposing parties not electronically served by the court a fully completed Case Management Memorandum. To electronically file the Case Management Memorandum, access the "Existing Case" section of the court's electronic filing system. Select "Conference Submissions" as the filing category. Select "Management Memorandum" as the filing type.

6. The Conference will be conducted by a Civil Case Manager who shall act on behalf of the Honorable KAREN SHREEVES-JOHNS.

7. This case has been presumptively assigned to the MAJOR NON JURY EXPEDITED Case Management Track. This is subject to modification by a civil case manager.

SCHEDULING ORDER - Page 2

WASHINGTON VS MORRISON HEALTH CARE, INC.  
200801757

8. If the case settles prior to the Case Management Order issuance date, counsel shall electronically file a settlement letter. To file the letter electronically, access the "Existing Case" section of the court's electronic filing system. Select "Conference Submissions" as the filing category. Select "Settlement Letter" as the document type.

9. Please direct any questions concerning this Order and its contents to [CivilCaseManagement@courts.phila.gov](mailto:CivilCaseManagement@courts.phila.gov).

Click the following link to access important documents related to the scheduled event.

<http://www.courts.phila.gov/pdf/forms/civil/CMC-105.pdf>

OFFICE OF THE CHIEF DEPUTY  
COURT ADMINISTRATOR

#### DISCLAIMER

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The First Judicial District will use your electronic mail address and other personal information only for purposes of Electronic Filing as authorized by Pa. R.C.P. 205.4 and Philadelphia Civil \*Rule 205.4.

Use of the Electronic Filing System constitutes an acknowledgment that the user has read the Electronic Filing Rules and Disclaimer and agrees to comply with same.

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This is an automated e-mail, please do not respond!



By: TIMOTHY P. CREECH, ESQ. (81728)

1835 Market St., Suite 2626

Philadelphia, PA 19103-3699

(215) 575-7618

[timothy@attorneycreech.com](mailto:timothy@attorneycreech.com)

*Counsel for Plaintiff*

**COURT OF COMMON PLEAS OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

CHARLES WASHINGTON,

Plaintiff,

v.

MORRISON HEALTH CARE, INC.

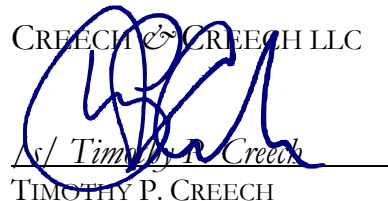
Defendant.

NO: 200801757

**CERTIFICATE OF SERVICE**

TIMOTHY P. CREECH, ESQ., certifies that he caused a true and correct copy of the January 13, 2021 Scheduling Order to be sent on this date *via* regular first-class mail to the following:

Morrison Health Care, Inc.  
400 Northridge Rd., Ste: 600  
Atlanta, GA 30350

CREECH & CREECH LLC  
  
/s/ Timothy P. Creech  
TIMOTHY P. CREECH

DATED: January 20, 2021

CREECH & CREECH LLC  
By: TIMOTHY P. CREECH, ESQ. (81728)  
1835 Market St., Suite 2626  
Philadelphia, PA 19103-3699  
(215) 575-7618; Fax: (215) 575-7688  
[timothy@creechandcreech.com](mailto:timothy@creechandcreech.com)

**NOTICE TO PLEAD TO:**  
MORRISON HEALTHCARE, INC.

You are hereby notified to file a written response to the enclosed Amended Complaint within twenty (20) days of service hereof or a judgment may be entered against you.

  
TIMOTHY P. CREECH, ESQ.

*Counsel for Plaintiff*

**COURT OF COMMON PLEAS OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

CHARLES WASHINGTON

Plaintiff/Employer,

v.

MORRISON HEALTHCARE INC.,

Respondent/Employer.

**August Term 2020, No: 01757**

**COMPLAINT**

**INTRODUCTION AND PARTIES**

Plaintiff Charles Washington by and through his undersigned attorney, submits the following Amended Complaint.

1. This complaint involves actions that were taken against Plaintiff. Plaintiff lives at the following address: 6399 P.O. Box., Philadelphia 19139.
2. This complaint involves actions taken by Morrison Healthcare, Inc., c/o Corporate Counsel for Compass Group USA Inc. located at 2400 Yorkmont Road, Charlotte, North Carolina 2821.
3. Plaintiff was hired for the position of Cook II on December 23, 2016.
4. The duties of the job include food preparation.



### **JURISDICTION**

5. Defendant is covered by the Fair Criminal Records Screening Standards, a Philadelphia ordinance that is enforceable in this Court.

6. Defendant is also covered by the Philadelphia the Pennsylvania Human Relations Act, Pa. Stat. Ann. tit. 43, § 951 et seq. (the “PHRA”); the Philadelphia Fair Practices Ordinance (“PFPO”); and the Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et. seq.* (“Title VII”).

7. On June 18, 2020, the EEOC issued a Notice of Right to Sue (*Issued on Request*) on Charge No.: 846-2020-11908. This action was timely commenced by Writ of Summons within 90 days of such notice.

8. On January 4, 2020, the PCHR issued “Information about the Right to Sue in State Court” on PCHR Complaint No: 2019-10-02-2254. This action is timely commenced by this Complaint within 90 days of such notice.

9. The conduct took place within the city of Philadelphia at Penn Presbyterian Medical Center at the following address: 51 North 39th Street Philadelphia PA 19104.

10. The actions taken were against Plaintiff, 300 days from filing Complaint.

### **COUNT I**

#### **FAILURE TO CONDUCT INDIVIDUAL ASSESSMENT RESULTING IN**

#### **TERMINATION**

11. Plaintiff was terminated on August 19, 2019 after two and a half years of successful employment in the position of Cook II.

12. Defendant erred in concluding that Plaintiff record makes him an unacceptable risk to the operation of the business or to co-workers or customers.

A. Nature of the offense:

- I. In 2015, Plaintiff was convicted of sex-related offenses, all of which are misdemeanors. am not permitted to have unsupervised contact with minors.
- B. Time that has passed since the offense.
  - I. Plaintiff has had no convictions since 2015.
- C. Plaintiff employment history before and after the offense:
  - I. From 2015 to 2016 Plaintiff was employed by a staffing agency as a temporary worker at Penn Presbyterian Medical Center.
  - II. Because of Plaintiff's good performance on the job, in December 2016 he was hired by Defendant on a full-time, permanent basis. Defendant was aware of his conviction history.
  - III. Defendant conducted a background check and found Plaintiff eligible to work.
  - IV. As a full-time permanent employee, Plaintiff continued to perform the duties of his job in a satisfactory manner.
- D. The particular duties of the job:
  - I. The job of Cook II involves food preparation. Plaintiff's position was located in the basement of building where the Atwood Cafeteria is located.
  - II. The job does not involve unsupervised contact with minors.
  - III. Beginning in or around January 2018 Sous Chef Marisa Genovese, Supervisor began telling Plaintiff's co-workers and employees in other departments about his conviction history. Genovese also began disseminating Plaintiff's photograph and conviction history to his co-workers and employees in other departments.
  - IV. In 2018 Genovese began bringing her daughter, who appeared to be approximately 4 years old, into the workplace. On many occasions Genovese left her daughter

alone in the office and in other places where Plaintiff would go during the normal course of the workday. Plaintiff deliberately did not go anywhere near the child.

V. Shortly thereafter Plaintiff accepted another Cook II job in a different location to get away from Genovese. Plaintiff's new job was located in the cafeteria, on the main floor of same building.

VI. Genovese scrutinized Plaintiff's work more closely than other similarly situated employees.

13. On August 19, 2019, the new Kitchen Director, Joshua Wenger terminated Plaintiff on the basis of his conviction history. Wenger stated Morrison did not hire felons and that Morrison's legal department made a mistake.

- a. Morrison's legal department did not make a mistake. Plaintiff properly passed Defendant's background check.
- b. Plaintiff does not have any felony convictions.
- c. Plaintiff performed his job in a satisfactory manner at all times.

14. As a direct and proximate result of Defendant's misconduct, Plaintiff suffered injury, including but not limited to lost back pay, lost front pay, lost benefits, severe emotional distress, sleeplessness, anxiety, and other psychic harm.

15. Defendant's misconduct was willful, wanton, reckless and outrageous.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount greater than \$50,000 for all damages suffered, punitive damages, reasonable attorney's fees and costs, declaratory judgment, equitable relief, plus such other relief as this Court deems just and proper.

## **COUNT II**

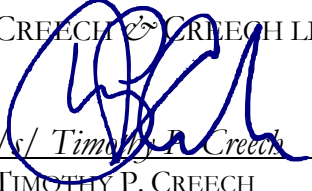
### **SEX DISCRIMINATION/SEXUAL HARASSMENT/RETALATION**

16. Repeats and realleges paragraphs 1-13 as if set forth at length herein.

17. Plaintiff is a homosexual male.
18. Plaintiff's supervisor, Genovese, made unwelcome sexual advances toward Plaintiff.
19. Plaintiff rejected those advances.
20. Genovese retaliated against Plaintiff for rejecting those advances.
21. The reason why Plaintiff's criminal history was brought up (after Plaintiff had been hired and had performed his work as described above) was in retaliation for Plaintiff's rejection of Genovese.
22. Genovese held, at all times, *respondeat superior* authority at Defendant's employ. In the alternative, Genovese used her supervisory role to influence those with *respondeat superior* liability to take adverse actions against Plaintiff.
23. Respondent's conduct toward Plaintiff constitutes *quid pro quo* harassment.
24. Defendant caused Plaintiff to suffer adverse employment actions that affected Plaintiff's employment in a serious and tangible way with respect to Plaintiff's compensation terms, conditions and/or privileges of employment, as is set forth above and incorporated herein by reference.
25. Plaintiff's sexual orientation, homosexual, was a motivating factor or alternatively, a determinative factor in discriminating against Plaintiff.
26. Claimant was subjected to severe incidents of sexual harassment. In addition, or in the alternative, Claimant was subjected to pervasive incidents of sexual harassment.
27. As a direct and proximate result of Respondent's discrimination, Claimant suffered injury, as set forth above and incorporated herein by reference.
- 28.
29. Respondent's conduct was knowing, intentional, willful, wanton, reckless and outrageous.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount greater than \$50,000 for all damages suffered, punitive damages, reasonable attorney's fees and costs, declaratory judgment, equitable relief, plus such other relief as this Court deems just and proper.

Respectfully submitted,

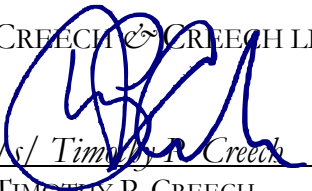
CREECH & CREECH LLC  
  
/s/ Timothy P. Creech  
TIMOTHY P. CREECH

DATED: January 20, 2021

**CERTIFICATE OF SERVICE**

TIMOTHY P. CREECH, ESQ., certifies that he caused a true and correct copy of the Plaintiff's Complaint to be sent on this date *via* regular first-class mail to the following:

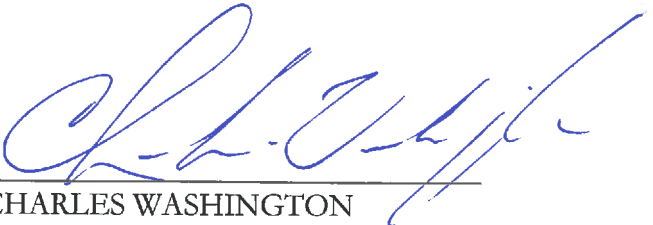
Morrison Health Care, Inc.  
400 Northridge Rd., Ste: 600  
Atlanta, GA 30350

CREECH & CREECH LLC  
  
/s/ Timothy P. Creech  
TIMOTHY P. CREECH

DATED: January 20, 2021

VERIFICATION

I, CHARLES WASHINGTON, hereby state that I am the Plaintiff in this action. Pursuant to 18 Pa.C.S. §4904, I declare under penalty of perjury that the factual allegations in the foregoing COMPLAINT are true and correct.

  
\_\_\_\_\_  
CHARLES WASHINGTON

DATED: 01-20-2021